

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**JAMES EDWARD HARRIS,**

**Plaintiff,**

**vs.**

**DAVID ABSTON, DEBRA  
ABSTON, and PEGGY LEE,**

## Defendants.

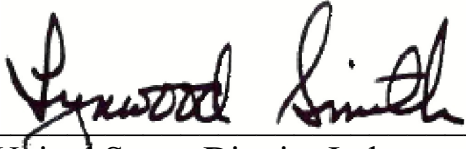
**Civil Action No. CV 04-S-3253-W**

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 10, 2006, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate's report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and his recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DONE this 18th day of September, 2006.

  
United States District Judge